

Commissioners Meeting Minutes

July 10, 2006

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Holmes, Frye, Kemp, Davis, and Lanier were present. Rev. Mark Beane, First Wesleyan Church, Asheboro, gave the invocation and everyone recited the Pledge of Allegiance.

Recognition of Retiree

Chairman Holmes presented an engraved clock to David Hurley, who is retiring from the County with 23 years of service with the County (Emergency Services and Sheriff's Dept).

Public Comment Period

Pursuant to N.C.G.S. § 153A-52.1, Chairman Holmes opened the floor for public comment. No one spoke, and Chairman Holmes closed the public comment period.

Approval of Consent Agenda

On motion of Frye, seconded by Davis, the Board voted unanimously to approve the Consent Agenda, as follows:

- *approve 6/5/06, 6/6/06, 6/12/06, 6/19/06, & 6/26/06 meeting minutes;*
- *appoint Rodney Moody and reappoint Brad Rice, Maxine Wright, Sonja Hole, Lucy Dorsey, Jane Leonard, Judge Scott Etheridge, Dorothy Grabol, and Patrick O'Hara to the Juvenile Crime Prevention Council;*
- *appoint Richard Wells to the Criminal Justice Partnership Advisory Board to replace Frank Willis;*
- *appoint Cheryl Ivey to Randolph County EMS System Quality Management Committee to replace Alice Dawson;*
- *approve Budget Amendment #1 – Public Health, as follows:*

2006-2007 BUDGET ORDINANCE		
General Fund--Amendment #1		
Revenues	Increase	Decrease
<i>Restricted Intergovernmental</i>	<i>\$ 11,825</i>	
Appropriations	Increase	Decrease
<i>Public Health</i>	<i>\$ 11,825</i>	

Award Bid of Ambulances

Neil Allen, Emergency Services Director, presented bids submitted from two vendors for three 2006 Ford chassis vehicles. Based on the availability of funds and the responsiveness of both vendors, Mr. Allen recommended that the Board approve and award the bid for three Type I, Class I ambulances for the EMS department to the low bidder, Southeastern Specialty Vehicles, at a total cost of \$250,995.

On motion of Kemp, seconded by Davis, the Board voted unanimously to award the bid for three Type I, Class I ambulances to Southeastern Specialty Vehicles, at a total cost of \$250,995.

Annual Settlement Report

Ben Chavis, Tax Assessor/Collector, presented the collection settlement reports (real and personal property, motor vehicles, and ambulance) for FY 2005-2006, as required by G.S. 105-373. The collection rate for 2005-2006 was 99.44%.

On motion of Davis, seconded by Kemp, the Board unanimously accepted the following collection settlement reports for FY 2005-2006, as presented:

REAL & PERSONAL PROPERTY SETTLEMENT REPORT

Beginning Balances:

Current Levy	59,971,366.21
Delinquent Secured	296,295.49
Delinquent Unsecured	553,412.46

Total Beginning Receivables	<u>60,821,074.16</u>
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Additions:

Manual Discoveries, Public Utilities	1,792,172.49
Supplemental Billing (second billing)	616,516.02

Credits:

Collections	61,331,095.23
Releases	390,250.47
Discounts	690,727.48

Adjustments:	<u>-60,003,384.67</u>
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Ending Balances:

Current Secured Levy	256,078.88
Current Unsecured Levy	94,280.96
Delinquent Secured	56,444.23
Delinquent Unsecured	410,885.42

Total Ending Receivables:	817,689.49
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VEHICLE SETTLEMENT REPORT

Billing Month	G01 ONLY	ALL DISTRICTS
Outstanding Balance:	1,035,296.62	2,010,349.77
Original Billing:	5,662,180.54	8,459,058.48
Interest Charged:	99,678.06	152,332.37
Total:	6,797,155.22	10,621,740.62
Taxes Collected:	5,429,795.90	8,052,017.56
Interest Collected:	99,678.06	152,332.37
Taxes Released:	127,930.19	218,610.83
Unpaid Taxes:	1,139,751.07	2,198,779.86
Total:	6,797,155.22	10,621,740.62

G01 Only

All Districts

<i>JULY</i>	<i>97.39%</i>	<i>JULY</i>	<i>97.18%</i>
<i>AUGUST</i>	<i>97.32%</i>	<i>AUGUST</i>	<i>97.06%</i>
<i>SEPTEMBER</i>	<i>96.15%</i>	<i>SEPTEMBER</i>	<i>95.81%</i>
<i>OCTOBER</i>	<i>93.37%</i>	<i>OCTOBER</i>	<i>92.70%</i>
<i>NOVEMBER</i>	<i>91.23%</i>	<i>NOVEMBER</i>	<i>90.81%</i>
<i>DECEMBER</i>	<i>90.54%</i>	<i>DECEMBER</i>	<i>90.12%</i>
<i>JANUARY</i>	<i>90.18%</i>	<i>JANUARY</i>	<i>89.61%</i>
<i>FEBRUARY</i>	<i>87.21%</i>	<i>FEBRUARY</i>	<i>86.76%</i>
<i>MARCH</i>	<i>85.48%</i>	<i>MARCH</i>	<i>84.98%</i>
<i>APRIL</i>	<i>86.85%</i>	<i>APRIL</i>	<i>86.48%</i>
<i>MAY</i>	<i>78.07%</i>	<i>MAY</i>	<i>78.35%</i>
<i>JUNE</i>	<i>65.00%</i>	<i>JUNE</i>	<i>64.39%</i>

AMBULANCE SETTLEMENT REPORT

UNCOLLECTED AMBULANCE FEES

JULY 1, 2004 ***4,088,996.24***

AMBULANCE FEES CHARGED TO TAX DEPARTMENT FOR COLLECTION

JULY 1, 2004 THROUGH JUNE 30, 2005 ***3,290,982.49***

***LEGAL FEES (GARNISHMENTS, JUDGE-
MENTS, ETC)*** ***1,978.70***

DEBITS ***241.35***

OVERPAYMENTS & REFUNDS ***25,930.24***

TOTAL ***7,408,129.02***

ALL SUMS DEPOSITED WHICH REPRESENT

AMBULANCE FEES AND LEGAL FEES ***2,342,961.02***

RELEASES(MEDICARE, MEDICAID) ***252,367.40***

UNCOLLECTED AMBULANCE FEES ***4,380,675.53***

CREDIT

STATUTE OF LIMITATIONS ***432,125.07***

TOTAL ***7,408,129.02***

Reappointment of Assessor/Collector, Oath of Office, and Charge to Tax Collector

On motion of Frye, seconded by Kemp, the Board unanimously voted to reappoint Ben Chavis to a 4-year term as Tax Assessor/Collector and to set his bond for \$200,000. Chairman Holmes administered the oath of office to Mr. Chavis and then read the charge to collect taxes to Mr. Chavis, as follows:

You are hereby authorized, empowered and commanded to collect the taxes set forth in the tax records filed in the office of the County Assessor and in the tax receipts delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Randolph and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real and personal property of such taxpayers, for and on account thereof, in accordance with law.

Presentation of Proposed True-Value and Present-Use Schedules, Standards, and Rules for 2007

Revaluation

Ben Chavis, Tax Assessor/Collector, made a PowerPoint presentation on the proposed schedules, standards and rules for the 2007 Revaluation. He also updated the Board on the status of the reappraisal process and trends in the county's marketplace. He also provided the following outline for the revaluation process in accordance with G.S. 105-317, with suggested dates for fulfilling the process:

The assessor delivers true value and present use schedules, standards, and rules to be used in the 2007 Reappraisal to Commissioners for their consideration. A copy of same shall be placed on file in Tax Assessor's Office for public inspection. At this meeting a public hearing shall be set. A notice stating that these schedules, standards and rules have been submitted to the Commissioners and a copy is available for public inspection in the Assessor's office shall be published on July 17, 2006. The notice shall also state the time and place (8/14/06, 5:00 p.m.) for a public hearing on the matter.	July 10, 2006
A public hearing on the proposed schedules, standards, and rules shall be held by the Commissioners at least 7 days before adopting the final schedules, standards and rules.	August 14, 2006 5:00 p.m.
Commissioners issue Orders adopting the true value and present use schedules, standards and rules. A notice shall be published on September 6, 13, 20, and 27 stating that the Orders have been adopted by the Board and are available for public inspection in the Assessor's office. Any property owner who asserts that these schedules, standards and rules are invalid may appeal them to the NC Property Tax Commission with 30 days from September 5, 2006.	September 5, 2006

Set Public Hearing Date for Revaluation Process

On motion of Kemp, seconded by Davis, the Board voted unanimously to set a public hearing for 5:00 p.m. on August 14, 2006, regarding the 2007 Revaluation process.

Adopt FY 06-07 Classification and Pay Plan

Kim Newsom, Personnel Director, presented the proposed 2006-2007 classification and pay plan for consideration.

On motion of Lanier, seconded by Frye, the Board voted unanimously to approve the FY 2006-2007 classification and pay plan, as presented.

Request for Deputy Position for City of Trinity; Budget Amendment

Sheriff Litchard Hurley said that the Trinity City Council has appropriated \$50,000 in their 2006-07 budget for law enforcement. It is their desire to pay the salary of one full-time deputy to be assigned to work in the City of Trinity on Monday through Friday and to hire deputies part-time for Saturdays and Sundays. Sheriff Hurley stated that the cost to hire one full-time deputy would be between \$39,976-\$42,534, including salary and fringe benefits. He requested that the Board approve hiring one deputy at a cost of \$42,534 to be reimbursed by the City of Trinity.

On motion of Frye , seconded by Lanier, the Board voted unanimously to approve a deputy position for the City of Trinity at a cost of \$42,534, which will be reimbursed by the City of Trinity, and to approve Budget Amendment #2, as follows:

2006-2007 BUDGET ORDINANCE		
General Fund--Amendment #2		
Revenues	Increase	Decrease
<i>Sales & Service</i>	<i>\$42,534</i>	
Appropriations	Increase	Decrease
<i>Sheriff</i>	<i>\$ 42,534</i>	

Appoint Voting Delegate for NCACC Annual Conference in September

On motion of Frye, seconded by Kemp, the Board voted unanimously to appoint Harold Holmes as voting delegate for the NCACC Conference in September.

Closed Session – Economic Development

At 5:27 p.m., on motion of Frye, seconded by Davis, the Board voted unanimously to go into closed session to discuss matters relating to the location or expansion of business in the area, pursuant to N.C.G.S. 143-318.11(a)(4).

At 6:00 p.m. the Board returned to open session and then took a short recess.

Update on Corridor Protection Status for I/74

At 6:30 p.m., the Board reconvened. G. R. Kindley, Department of Transportation board member, gave an update on current and scheduled road improvements in Randolph County. He also stated that their top priority was the I-74 corridor project, which is scheduled to be let in February 2007. He mentioned that DOT will use some Garvey Bond funds to help expedite the project. Tim Johnson, Division 8 Engineer, gave a brief description of what Garvey Bonds are. Mr. Kindley stressed that DOT does not want anything to interfere with the I-74 corridor progress. They are already doing some advance right-of-way purchases now. Mr. Kindley then gave an update on the new Welcome Center, saying that DOT now owns the property.

Rezoning Public Hearing

At 6:47 p.m. the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning and Zoning Director, presented the following requests, and Chairman Holmes opened the public hearing for comments on each request and closed it before taking action on each request.

1. **JEROME PILARSKI**, Siler City, North Carolina, is requesting that 10.58 acres (out of 24.41 acres) located on Old Staley Road (across from Cox Meadow Road), Columbia Township, be rezoned from RA to RLOE-CD. Rural Growth Area. Tax ID# 8734011494. The proposed Conditional Zoning District would specifically allow the re-division of a minor subdivision lot into 3 additional lots for site-built homes with a

minimum house size of 1,200 sq. ft. The Planning Board reviewed this request at public meeting on June 6, 2006, and unanimously recommended that this request be approved as consistent with standards and policies contained within the Growth Management Plan.

Policies within the Growth Management Plan supporting approval of this request:

Policy 6.13. Conventional residential subdivisions are anticipated of similar housing characteristics to the community.

Policy 6.14. Residential subdivisions should, in order to promote efficiencies in the delivery of urban services, be encouraged to develop in a fashion which minimizes Aleap frog development (i.e. leaving large vacant areas between developments).

Jerry King, surveyor, spoke on behalf of the applicant, saying that Mrs. Pilarski, her daughter and son plan to build on the 3 lots. He said there will be individual wells and septic tanks on each lot.

On motion of Frye, seconded by Davis, the Board voted unanimously to approve the request of Jerome Pilarski, as consistent with adopted comprehensive plans and as outlined in the recommendation provided by the County Planning Board.

2. **LARRY FIELDS**, Randleman, North Carolina, is requesting that 119.85 acres located on Racine Road, Providence Township, be rezoned from RA to CVOE-CD. Secondary Growth Area. Polecat Creek Watershed. Tax ID# 777775198. The proposed Conditional Zoning District would specifically allow the development of a 54-lot residential subdivision for site-built homes with a minimum house size of 1,500 sq. ft. Property Owner - Mary Edith Hinshaw. The Planning Board reviewed this request at public meeting on June 6, 2006, and unanimously recommended that this request be approved as consistent with standards and policies contained within the Growth Management Plan. Mr. Johnson stated that since the Planning Board meeting, the applicant has raised the minimum house size requirement to 1,700 sq. ft.

Policies within the Growth Management Plan supporting approval of this request:

Policy 6.13. Conventional residential subdivisions are anticipated of similar housing characteristics to the community.

Policy 6.14. Residential subdivisions should, in order to promote efficiencies in the delivery of urban services, be encouraged to develop in a fashion which minimizes Aleap frog development (i.e. leaving large vacant areas between developments).

Clay Showalter, 1220 Valley Dale Lane, spoke in support of the request on behalf of the developer.

On motion of Frye, seconded by Davis, the Board voted unanimously to approve the request of Larry Fields, as consistent with adopted comprehensive plans and as outlined in the recommendation provided by the County Planning Board.

3. **K & B REALTY COMPANY**, Totowa, New Jersey, is requesting that 6.36 acres located on Old 421 Road, Columbia Township, be rezoned from RA to LI. Primary Growth Area., Rocky River Watershed. Tax ID# 8735417465. It is the desire of the applicant to use the property for industrial purposes. The Planning Board reviewed this request at public meeting on June 6, 2006, and unanimously recommended that this request be approved as consistent with standards and policies contained within the Growth Management Plan.

Policies within the Growth Management Plan supporting approval of this request:

Policy 1.1. The County will encourage new and expanding industries and businesses which: (1) diversify the local economy, (2) utilize more highly skilled labor force and (3) increase area residents' incomes.

Policy 3.2. Industrial development should be on land that is physically suitable and has unique locational advantages for industry. Advanced planning for the identification of such land should be encouraged.

Policy 3.5. Warehousing, storage and distribution facilities should have direct access to appropriate thoroughfares and should be visually buffered according to their location.

Peter Osborne, Old Hwy 421, Staley, said that he was representing the owners of the Clifford Estes Company. He said that they plan to expand in order to add another warehouse for the current business.

On motion of Kemp, seconded by Davis, the Board voted unanimously to approve the request of K & B Realty Company, as consistent with the adopted comprehensive plans and outlined in the recommendation provided by the County Planning Board.

4. **LARRY EAST**, Sophia, North Carolina, is requesting that 50.16 acres located on Branson Davis Road, New Market Township, be rezoned from RA to CVOE-CD. Secondary Growth Area. Randleman Lake Watershed. Tax ID#s 7746506036, 7746618050, and 7746627138. The proposed Conditional Zoning District would specifically allow the development of a 46-lot residential subdivision for site-built homes or conventional modular homes with a minimum house size of 1,600 sq. ft. Property Owner - Buttke Dairy Enterprises, Inc. The Planning Board reviewed this request at public meeting on June 6, 2006, and unanimously recommended to deny the western section of the request due to the future highway corridor and deny the balance of the request because of the modular homes being included in the proposal.

Policies within the Growth Management Plan supporting this recommendation:

Policy 6.13. Conventional residential subdivisions are anticipated of similar housing characteristics to the community.

Policy 8.4. The County should approach land use and economic development decisions, not as isolated individual issues, but as part of a larger interconnecting framework of building sustainable growth within Randolph County.

Charles Morgan, surveyor representing Mr. East, said that Residential Exclusive zoning does allow off-frame modular homes. Also, with the way State funding is going, he wonders if the new 311 corridor will be built in his lifetime.

Stan Byrd, Stan Byrd Realtors, said that double-wide industry sales have been down 90% in the last few years. He said that they are not trying to sneak in any glorified mobile homes. There are 5 double-wides nearby and several single-wides near Kersey Acres. He mentioned that his builders can construct a stick-built home cheaper than an off-frame modular.

Lynn Small, 4807 Walker Mill Road, presented a letter and petition to the Board opposing the Larry East request. He asked that the Board uphold the Planning Board's recommendation to deny the request. He said that the new I-74 (new 311 corridor) is very important and that the Board should do everything they can to keep the project moving forward. Should this request be approved, development of the lots located within the I-74 corridor would require that DOT acquire all or most of these lots at a substantial waste of transportation dollars. Mr. Small said that they do not want a cookie cutter type development on these mostly one-acre lots. This segment of the proposed subdivision is near a Rural Growth Area, where there is a 3-acre minimum lot size. He argued that 3-acre lots would be a better fit for the community and would help protect the quality of water in the nearby Randleman Lake. They would also help ensure more upscale development near the lake area for tourists. Mr. Small also said that there are several lots that won't perk, requiring off-site septic tanks. These lots are located near streams and very wet areas. He stressed that they want only site-built homes—no modular homes. He said he's afraid that the modular homes would devalue their property.

Gene Patterson, 5030 Branson Davis Road, said that he lives across from Kersey Acres, and has hunted this area all his life. He said that 75% of the area won't perk and that there are natural springs all over the area. He believes that people should build large homes on large lots that the community can be proud of.

On motion of Davis, seconded by Frye, the Board voted unanimously to deny the western section of Larry East's request due to the future highway corridor and deny the balance of the request due to water critical area issues.

5. **EARNHARDT BUILDERS, INC.**, Asheboro, North Carolina, is requesting that 113.39 (out of 208.20 acres) located on Post Road, Tabernacle Township, be rezoned from RA to CVOE-CD. Secondary Growth Area. Lake Reese Watershed. Tax ID# 6794275820. The proposed Conditional Zoning District would specifically allow the development of a 33-lot residential subdivision for site-built homes with a minimum house size of 1,500 sq. ft. He said that the area will be served by Davidson Water, Inc. The Planning Board reviewed this request at public meeting on June 6, 2006, and recommended, by a vote of 5 to 2, that this request be approved as consistent with standards and policies contained within the Growth Management Plan. The Planning Board also recommended that Level 3 buffers be planted along the current open areas and that all areas that currently have a natural buffer continue to be maintained.

Policies within the Growth Management Plan supporting approval of this request:

Policy 2.6. The County should encourage new major conventional residential subdivision development to be located in growth areas likely to be served at some point by public infrastructure or in cluster subdivisions to be designed in a manner that would reduce infrastructure extension distances.

Policy 6.13. Conventional residential subdivisions are anticipated of similar housing characteristics to the community.

Policy 6.14. Residential subdivisions should, in order to promote efficiencies in the delivery of urban services, be encouraged to develop in a fashion which minimizes Aleap frog development (i.e. leaving large vacant areas between developments).

Bailey King, attorney representing Earnhardt Builders, said that this request is the same as the request that was heard on another nearby site Mr. Earnhardt developed two years ago. He said that Mr. Earnhardt has demonstrated that he builds quality homes. Mr. King stated that the request is consistent with the County's Growth Management Plan. He warned that their opponents' only argument would be the prior sludge application. However, he stressed that the application was permitted by the state and strictly monitored by the Environmental Protection Agency and Department Environment and Natural Resources. Mr. King referred to the "Site History" section of a packet of material that he distributed to Board members. This section contained a letter from Synagro, which is a residuals management company, stating that since November 30, 1998, the site has been unrestricted to any public use or development. He then discussed "preemption," which is the legal doctrine that forbids a local government from acting in a manner that is inconsistent with state law. Mr. King cited *Granville Farms, Inc. v. County of Granville*, 170 N.C. App. 109, 612 S.E.2d 156 (2005), which states "state regulation of land application of biosolids, consisting of the sludge generated from treatment of domestic sewage in wastewater treatment plants, was comprehensive and constituted a complete and integrated regulatory scheme, so as to preempt county ordinance that imposed a number of additional requirements upon an entity seeking to apply biosolids to farm lands." He said that the site is considered safe for any type of development and that the County could not deny this request because of environmental concerns due to the sludge application.

Gary Satterfield, 2130 Old Mountain Rd., said that the proposed large cluster of homes in one spot would not fit in with the community. He also had concerns about the sludge application, saying that he remembers when the "green slime" was being hauled in by tanker trucks and spread over the farm. He said there was about a foot to 18 inches of sludge and that it was so deep that trucks got stuck. He also mentioned that the odor was so horrible it make him sick. The ooze was buzzing with flies, which, he learned from Cooperative Extension, was a sign of "raw unstabilized sludge." Mr. Satterfield also said that deer were found dead in the fields after coming into contact with the sludge, and fish and frogs died in an adjacent stream. He said that the soil has never been tested for the presence of heavy metals.

Eric Black, 6651 Post Road, presented packets of information to the Board regarding fundamental/logistical issues and environmental issues. He said that Mr. Earnhardt does not care for the existing neighbors. Mr. Black said that Mike Pugh, realtor for Earnhardt Builders, has said that the lot sizes were based simply on the land perking. He stated that he recently read that the County Commissioners had asked the state to set aside \$200 million per year for 5 years to preserve farmland, but this contradicts with how they vote on subdivision requests. Mr. Black also discussed the impact of so many septic tanks, run-off from disturbed soil going into the

Lake Reese Watershed, and higher traffic counts. He also talked about the cost of schooling the additional children that the new subdivision would produce and questioned the Board of Education's method for determining the educational impact of new subdivisions. Next, Mr. Black discussed environmental concerns with the sludge application. He said that he had learned that over 1 million gallons of sludge applied to this property was not domestic sludge but a combination of residential, industrial and commercial sludge. He argued that a permit does nothing to guarantee that the soil is safe. He does not believe that the state ever intended for this site to be used for anything other than agricultural purposes and when grading and site preparation commences and septic tanks are being dug, contaminants will be stirred up, causing them to run off into the water supply and float in the air as dust when the weather is dry. He stated that the site has never been tested for pathogens or toxic heavy metals. He said that in 2003, the Board instructed Mr. Earnhardt to get the land checked out to make certain it was safe for habitation; as many as 400 people (new residents, construction workers and neighbors) could be at risk. Mr. Black contended that it is Mr. Earnhardt's responsibility to prove that the area is safe. So far, Mr. Black stated that he has been unsuccessful in persuading the Commissioners to deny rezoning requests in this area. He encouraged the Board to make the right decision this time.

Darrell Fruth, attorney representing Eric Black, said that it is known that more than 1 million gallons (1000 tons) of sludge was applied to the site from 1993-1997 and that the sludge was from wastewater treatment plants servicing residential, industrial and commercial waste. Mr. Fruth distributed to the Board a 2005 CERCLA Priority List of Hazardous Substances from the Department of Health and Human Services Agency for Toxic Substances and Disease Registry along with detailed information about arsenic, lead, chromium, and mercury, all metals which were present in the sludge that was applied to this site. He said that although Synagro has said the soil on this site is safe, the state has issued no statement on the soil's condition. Mr. Fruth also said that there is still some questions about the legality of the City of High Point's state permit for sludge application to this site; the permit was for domestic sludge, but the city apparently dumped sludge from industries and businesses too. Also, the permit was for a 27-acre site, but the sludge may have been spread over 31 acres. He also said that the "preemption" does not apply to the Board's responsibility to make zoning decisions that protect the health and safety of its citizens and they need not fear that the Board's hands are tied by a permit that was issued more than 10 years ago under questionable legal authority. He said that he sent a letter to DENR and to the state toxicologist asking them to test the site to make sure it is safe before houses are built there (copy of the letter was distributed to the Board). Mr. Fruth asked that the Board not allow any further development in this area until all the questions are answered about the safety of the soil.

Alvin Myers, 247 Springs Grove Lane, said that long-time area farmers in the area have invested their entire lives in this land and now developers, who have no ties to the community, continue to shut them out. According to Mr. Myers, one resident whose family has lived in the area for over 100 years, is ready to sell his 36 acres. Mr. Myers stated that he saw all the sludge application to the site in the 1990s. He warned the Board that if development is allowed here and there is a problem later, citizens will blame the Commissioners and Mr. Earnhardt. He said that he is very disappointed that nothing has been done about this so far.

Commissioner Frye asked applicant Bobby Earnhardt what he would tell a potential buyer about the sludge if they asked.

Bailey King responded for Mr. Earnhardt and said that he would tell them that the sludge was applied according to state-issued permit specifications.

Commissioner Kemp moved that the request of Earnhardt Builders, Inc. be approved, as presented. Commissioner Lanier seconded the motion. The motion failed by a vote of 2-3, with Commissioners Davis, Frye and Holmes voting in opposition because of unanswered questions concerning the environmental quality of the soil and prior sludge deposits as they might relate to the suitability and safety of the site for the more intensive residential development which would be allowed in the proposed district, not anticipated in the land use plan and therefore, if unsuitable, then inconsistent with the plan. The Board advised the applicant that it would entertain and hear the same application in the future as a substantially different application if it came

before the Board within a year accompanied by evidence convincing to the Board that the prior application of sludge posed no significant danger to the public health and safety.

Adjournment

There being no further business, the meeting adjourned at 9:25 p.m.

J. Harold Holmes, Chairman

Darrell L. Frye

Phil Kemp

Robert B. Davis

Arnold Lanier

Cheryl A. Ivey, Clerk to the Board